

## EXHIBIT 2

LISA SUAREZ  
JOHN WILEY & SONS vs. DRK PHOTO

April 17, 2013

1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 DOCKET NO. 1:11-CV-05454-GBD

4 JOHN WILEY & SONS, INC, :

5 Plaintiff, : DEPOSITION OF:

6 vs. : LISA SUAREZ

7 DRK PHOTO, A SOLE, :  
8 PROPRIETORSHIP, :

9 Defendant.

10 - - - - -  
11 B E F O R E:

12 TRANSCRIPT of testimony as taken by and before  
13 LAURIE A. LANDRIGAN, a Certified Shorthand Reporter  
14 and Notary Public of the State of New Jersey, at the  
15 offices of JOHN WILEY & SONS, 111 River Street,  
16 Hoboken, New Jersey, on Wednesday, April 17, 2013,  
17 commencing at 9:10 a.m., pursuant to Notice.  
18  
19  
20  
21  
22

23 ESQUIRE DEPOSITION SOLUTIONS  
24 33 Wood Avenue South, Suite 445  
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1 A. Correct.

2 Q. This spreadsheet would also be limited  
3 to around the 2002 time period; is that right?

4 A. Yes.

5 MS. BOYD: Mark this.

6  
7 (Exhibit No. Suarez-20 is received  
8 and marked for Identification by the  
9 Reporter.)

10  
11 Q. Are you familiar with this document?

12 A. I am.

13 Q. It just goes down.

14 A. Yes.

15 Q. Can you tell me what this document  
16 shows?

17 A. Sure. This shows the Wiley Plus validations  
18 by domain. So when the Wiley Plus course is adopted,  
19 the professor gets assigned a domain URL. This shows  
20 you how many registrations were activated for the  
21 domain. In other words, these are actually how many  
22 people accessed Wiley Plus.

23 Q. So each professor gets his or her own?

24 A. Domain, yes.

25 Q. This would track?

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1 A. This tracks Wiley Plus usage.

2 Q. Basically by professor, by domain?

3 A. Right.

4 Q. We can get that number in the far right  
5 column, is that right, "validation for domains by reg  
6 code"?

7 A. Correct.

8 Q. Is there any way to tell by looking on  
9 this spreadsheet whether these products actually  
10 contained images?

11 A. By looking at this spreadsheet, no.

12 Q. In general, do Wiley Plus courses  
13 contain images?

14 A. It's my understanding that they do.

15 Q. Can you tell me what is in Wiley Plus?  
16 Is it an exact duplicate of the textbook, or is it  
17 something else?

18 A. I think a lot of times each Wiley Plus course  
19 is somewhat different, but I think most times it's  
20 the electronic book plus other things, whether it's  
21 quizzes or just other types of products put together.

22 Q. Study aids, that sort of thing?

23 A. Right, videos.

24 Q. Does each professor customize their  
25 Wiley Plus, or is it all the same and it's just

1 tracked by professor with their own domain?

2 A. A professor can go in and add his own course  
3 material and content to his Wiley Plus course.

4 Q. Can they subtract content? So, for  
5 example, could they subtract chapters of the book  
6 they weren't teaching?

7 A. I'm guessing that they can only give their  
8 students what they like. So, yes, I would think that  
9 they could, but I'm not positive.

10 Q. So was there any effort to limit this  
11 spreadsheet to just books that contain DRK's photos  
12 or just Wiley Plus courses that contain DRK's photos?

13 A. This spreadsheet reflects the list of titles  
14 that I received from Ashima, so to the extent that  
15 answers your question.

16 Q. You didn't do any narrowing yourself?

17 A. Correct.

18 Q. Does this spreadsheet only contain  
19 Wiley Plus? Are there any other products included?  
20 Some of the titles don't say Wiley Plus or don't have  
21 a WP, but they still have a domain. Does that  
22 signify anything different, or is that just an entry  
23 difference?

24 A. That is the main title. What you're looking  
25 at, the ones that don't have that are just the main

1 title. So the registrations are for -- that's not  
2 given to anybody. That's like the main book  
3 associated with it. That's not a domain.

4 Q. There are no validations for those  
5 rows, correct?

6 A. Correct.

7 Q. Like on the first page for Alters  
8 Biology, where the EPROF column says "Biology 1e,"  
9 there is a domain, but there are no registration  
10 codes?

11 A. Right. So the one that says "Biology 1e" is  
12 actually the book ISBN.

13 Q. I see, but there is a domain URL?

14 A. Right, because that's probably what they used  
15 to just create the whole product.

16 Q. On the front end?

17 A. Right.

18 Q. Then for a number of these entries  
19 there are no validations; what does that mean?

20 A. It means that a course was set up but no  
21 students ever accessed it.

22 Q. Is this spreadsheet limited by date, or  
23 does it capture all of the validations?

24 A. It would capture all of the validations?

25 Q. Does Wiley have other online products

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1 that aren't captured on this spreadsheet? For  
2 instance, we talked about Blackboard and some other.

3 A. Wiley has like ebooks and things like that  
4 that wouldn't be on here. This is just Wiley Plus,  
5 I believe.

6 Q. This is just one portion of the  
7 electronic products?

8 A. Correct.

9 MS. BOYD: Mark this.

10  
11 (Exhibit No. Suarez-21 is received  
12 and marked for Identification by the  
13 Reporter.)

14  
15 Q. Are you familiar with this document?

16 A. No.

17 Q. It looks like it printed twice the same  
18 thing. So you've never seen this document before?

19 A. Not in the sense of what it looks like. I  
20 mean, I could kind of figure it out. It looks like  
21 this is how the student gets into Wiley Plus.

22 Q. Do you have any idea what group at  
23 Wiley might have created this document? Does this  
24 look like an IT document or something else?

25 A. Yeah. I mean, it could be IT. It could be